

gress all the time, because under some acts of Congress some federal agencies are authorized to redress, for example, in a case of a prison, a certain type of jurisdiction. This was his suggestion as to how this amendment could be made perfectly acceptable to the federal government.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: What I am trying to do is to point up Delegate Sherbow's question a little more.

If there is a very large secret plant, like an atomic energy plant, being proposed for the State of Maryland, and the State of Virginia is also a competitor for that atomic energy plant, then this requirement of action by Congress might block the whole thing, because the Senators from Virginia might be more powerful than the Senators from Maryland.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: If I might respond to that, this could not be the case as far as this being a disadvantage.

Now, whether or not the Senators from Virginia are more powerful, I cannot answer, but this language, "except to such extent as may specifically be required by an act of Congress," was inserted exactly for the reason that if the federal government wanted any particular type of jurisdiction rather than concurrent jurisdiction, they could get it even without an act of Congress if the previous act of Congress had authorized one of the federal agencies to ask for particular jurisdiction.

Do you follow what I am trying to say?

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: Yes, I think I follow you, but nevertheless I think a particular law of Maryland requiring a particular congressional act might operate as a road block to prevent the location of that institution in Maryland.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: If I might respond to that, this language was inserted to guard against any possibility like that, and this language was suggested by the gentleman from the Department of Justice who had chaired 23 separate federal agencies.

You see, unfortunately, they do not have an attorney general over there who can give one binding opinion for all of the federal agencies, but when you get twenty-

three of them, including the Department of Defense, the Department of Justice, Atomic Energy, and 20 others and they all agree, then I think we are in pretty good shape.

THE CHAIRMAN: Delegate Storm's time for questions has expired.

Is there any further discussion with respect to Amendment No. 1?

Delegate Scanlan.

DELEGATE SCANLAN: I would like to oppose the amendment.

THE CHAIRMAN: You may speak.

DELEGATE SCANLAN: The amendment in its expanded form and the original proposal in its shorter form I think are entirely unnecessary. As the majority admits, the recommended provision, at least the original proposal, is basically the same as the statutory provision, as is now found in the Code.

There is no question about the power of the Maryland General Assembly to deal with this subject, to insert in the Code language which is identical with Amendment No. 1, if it so desires. However, to freeze it into the constitution I think first is unnecessary and, second, it presents the problem that Judge Sherbow called attention to.

There may be a time when the United States, for instance, would want to put the patent office or another larger federal facility in Maryland, and it is entirely possible that the restriction set forth in Amendment No. 1 might tie the hands of the Maryland legislature and the Maryland authorities in negotiating the type of cession to be agreed upon.

Even the language of Amendment No. 1 I do not think furnishes the protection that might be ideal in some cases. The last clause of it says "any laws of this State continuing in effect within the limits of or on such lands shall not be effective if inconsistent with the governmental uses, purposes and functions for which the land was acquired or is used by the United States", so even under that language, under the last analysis, the question comes down to one of negotiation.

If the United States and the Department of Justice, or whatever agency was representing the United States, insisted that certain laws should not be applicable in the ceded territory and Maryland really wanted the United States to bring the facilities to Maryland, undoubtedly it would recede from its position, so really the statutory